

AMENDED IN SENATE APRIL 14, 2005

SENATE BILL

No. 854

Introduced by Senator Ashburn

(Coauthor: Senator Denham)

(Coauthors: Assembly Members Goldberg and Walters)

February 22, 2005

An act to amend Sections 8484.7 and 8484.8 of, *and to add Section 8484.9 to*, the Education Code, relating to afterschool programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 854, as amended, Ashburn. Community learning centers.

Existing law establishes the After School Education and Safety Program to create incentives to establish locally driven before and after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive.

Existing law states the intent of the Legislature that federally funded 21st Century Community Learning Centers complement the existing After School Education and Safety Program by utilizing the existing funding provided under that existing program, and to provide the local flexibility needed to implement the federal 21st Century Community Learning Centers program through direct grants. Existing law, in accordance with the 21st Century Community Learning Centers program contained in the federal No Child Left Behind Act of 2001, allocates funds appropriated by the Budget Act of 2002 and prescribes requirements related to the allocation of funds, including that a core funding grant conform to the per pupil rate established by the After School Education and Safety Program, that funding for a grant be allocated in annual increments for a period not to exceed 5 years, that 2nd year core funding be fully allocated if a program achieves no less than 85% of the proposed pupil attendance, and that subsequent year

core funding be fully allocated if a program achieves no less than 100% of the proposed pupil attendance.

This bill would allocate funds appropriated in the annual Budget Act for those learning center programs. The bill would set the maximum per pupil rate at ~~\$5 per proposed pupil, per proposed program day~~ *\$7.50 per pupil, per day. The bill would require the State Department of Education to allocate 40% of the funding for each year 30 days after the annual Budget Act becomes effective. The bill would authorize the department to permit a grantee to reallocate the funds to program sites upon extraordinary unforeseen events, as specified. The bill would establish the Advisory Committee on Before and After School Programs for the purpose of providing information and advice to the Superintendent of Public Instruction, the Secretary for Education, and the State Board of Education regarding state and federal policy and funding issues affecting before and after school programs. The bill would require the State Department of Education to award a grant for a period of 5 years, would require the department to fully allocate 2nd year core funding if a program achieves no less than 80% of the proposed pupil attendance, 3rd year core funding if a program achieves no less than 90% of the proposed pupil attendance, and, in subsequent years, fully allocate core funding if a program achieves no less than 95% of the proposed pupil attendance. The bill would set a schedule by which the department is required to allocate funding within a year. The bill would, upon certain conditions, allow a grantee to calculate actual pupil attendance by averaging pupil attendance over all sites for which the grantee received funds, and allow a grantee to replace or close a site for which the grantee received funds.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8484.7 of the Education Code is
- 2 amended to read:
- 3 8484.7. It is the intent of the Legislature that the 21st Century
- 4 Community Learning Centers program contained within the
- 5 federal No Child Left Behind Act of 2001 (P.L. 107-110)
- 6 complement the After School Education and Safety Program
- 7 established by Article 22.5 (commencing with Section 8482), to

1 provide the local flexibility needed to implement federal 21st
2 Century Community Learning Centers programs through direct
3 ~~grants for core funding, with accountability for pupil attendance,~~
4 ~~and other direct grants for core funding recipients to meet local~~
5 ~~access and literacy needs, as specified in this article. grants, as~~
6 ~~specified in this article.~~

7 SEC. 2. Section 8484.8 of the Education Code is amended to
8 read:

9 8484.8. In accordance with Part B of Title IV of the federal
10 No Child Left Behind Act of 2001 (P.L. 107-110), of the funds
11 appropriated in Item 6110-197-0890 of Section 2.00 of the
12 annual Budget Act, funds shall be available for expenditure as
13 follows:

14 (a) The amount of one million dollars (\$1,000,000) shall be
15 available to the department for purposes of providing technical
16 assistance, evaluation and training services, for carrying out
17 programs related to 21st Century Community Learning Center
18 programs.

19 (b) (1) An amount of up to three million five hundred
20 thousand dollars (\$3,500,000) shall be available for direct grants,
21 in an amount not to exceed twenty-five thousand dollars
22 (\$25,000) per site, per year, for community learning center
23 programs that serve middle and elementary school pupils for
24 providing equitable access to, and participation in, community
25 learning center programs, according to needs determined by the
26 local community.

27 (2) The department shall determine the requirements for
28 eligibility for a grant under this subdivision, consistent with the
29 following:

30 (A) Consistent with the local partnership approach inherent in
31 Article 22.5 (commencing with Section 8482), grants awarded
32 under this subdivision shall provide supplemental assistance to
33 programs. It is not intended that a grant fund the full anticipated
34 costs of the services provided by a community learning center
35 program.

36 (B) In determining the need for a grant pursuant to this
37 subdivision, the department shall base its determination on a
38 needs assessment and a determination that existing resources are
39 not available to meet these needs, including a description of how
40 the needs, strengths, and resources of the community have been

1 assessed, currently available resources, and the justification for
2 additional resources for that purpose.

3 (C) The department shall award grants for a specific purpose,
4 as justified by the applicant.

5 (3) To be eligible to receive a grant under this subdivision, the
6 designated public agency representative for the applicant shall
7 certify that an annual fiscal audit will be conducted and that
8 adequate, accurate records will be kept. In addition, each
9 applicant shall provide the department with the assurance that
10 funds received under this subdivision are expended only for those
11 services and supports for which they are granted. The department
12 shall require grant recipients to submit annual budget reports, and
13 the department shall have the authority to withhold funds in
14 subsequent years if direct grant funds are expended for purposes
15 other than as awarded.

16 (c) Up to one million dollars (\$1,000,000) shall be available
17 for direct grants of up to twenty thousand dollars (\$20,000) per
18 site, per year, for providing family literacy services only to those
19 schoolsites that identify ~~such~~ a need for families of 21st Century
20 Community Learning Center program pupils, and that
21 demonstrate a fiscal hardship by certifying that existing resources
22 including funding for Title III of the No Child Left Behind Act of
23 2001 (P.L. 107-110), Chapter 3 (commencing with Section 300)
24 of Part 1, adult education, community college, and the federal
25 Even Start Program are not available or are insufficient to serve
26 these families. An assurance that the funds received under this
27 subdivision are expended only for those services and supports for
28 which they were granted shall be required.

29 (d) Of the remaining funds in Item 6110-197-0890 of Section
30 2.00 of the Budget Act of 2002, two million five hundred
31 thousand dollars (\$2,500,000) shall be allocated on a priority
32 basis for grants to community learning center programs serving
33 high school pupils, and the remainder of this amount shall be
34 allocated on a priority basis for programs for middle and
35 elementary school pupils.

36 (e) Grant awards under this section shall be restricted to those
37 applications that propose primarily to serve pupils that attend
38 schoolwide programs, as described in Title I of the No Child Left
39 Behind Act of 2001. Competitive priority shall be given to
40 applications that propose to serve children and youth in schools

designated as being in need of improvement under subsection (b) of Section 6316 of Title 20 of the United States Code, and that are jointly submitted by school districts and community-based organizations. Applications to serve pupils in programs that have received grants under Article 22.5 (commencing with Section 8482) shall be funded only when proposing to expand in additional sites or to add pupils to a currently funded site.

(f) (1) Core funding grants for programs serving middle and elementary school pupils in before and after school programs shall conform to the grant maximum amounts established in Article 22.5 (commencing with Section 8482) for similar state funded programs. The maximum core grant shall be ~~an amount equal to five dollars (\$5) per proposed pupil, per proposed program day.~~ *an amount equal to seven dollars and fifty cents (\$7.50) per pupil, per day.*

(2) (A) Funding for a grant shall be allocated ~~for a period of five years.~~ *in annual increments for a period not to exceed five years.*

(B) ~~In the first each year of a program, the department shall allocate 50 40 percent of the grant for that year no later than 45 days after the grantee accepts the award, or no later than the beginning of the program year, whichever comes first. In successive years, the department shall allocate 50 percent of the grant for that year no later than the beginning of the program year.~~

~~(C) For the second apportionment, the department shall allocate 30 percent of the grant for a year no later than 150 days after the beginning of the program year, upon receipt of a pupil attendance report.~~

~~(D) For the third and final apportionment, the department shall allocate the balance of the grant for a year no later than the end of the program year, upon receipt of a pupil attendance report.~~ *30 days after the annual Budget Act becomes effective.*

(3) A first year grant award of core funding shall be fully allocated if a program has achieved no less than 70 percent of the proposed pupil attendance. Second year core funding shall be fully allocated if a program has achieved no less than ~~80~~ 85 percent of the proposed pupil attendance. ~~Third year core funding shall be fully allocated if a program has achieved no less than 90 percent of the proposed pupil attendance. Subsequent~~ *Subsequent*

1 year core funding shall be allocated if a program has achieved no
2 less than ~~95~~ 100 percent pupil attendance.

3 ~~(4) The department, in order to ensure that a program is~~
4 ~~sustained, may make reasonable adjustments in grant allocations~~
5 ~~if a grantee fails to achieve an attendance target as a result of~~
6 ~~natural disaster or civil unrest.~~

7 ~~(5) A grantee, with the approval of the department, may~~
8 ~~calculate actual pupil attendance in any one year by averaging~~
9 ~~the pupil attendance at all sites for which a grantee receive core~~
10 ~~grant funds, so long as the number of pupils is not less than the~~
11 ~~proposed pupil attendance at all sites for which a grantee receive~~
12 ~~core grant funds.~~

13 ~~(6) There is no maximum number of pupils that a grantee may~~
14 ~~serve at any one site.~~

15 ~~(7) A grantee, with the approval of the department, may~~
16 ~~replace or close a site for which a grantee received core grant~~
17 ~~funds.~~

18 *(4) The department may permit a grantee to reallocate funds*
19 *to sites if a grantee sustains a temporary reduction in pupil*
20 *attendance as a result of natural disaster, civil unrest, imminent*
21 *danger to pupils or staff, or other extraordinary unforeseen*
22 *event.*

23 ~~(8) Each~~(5) A grantee shall identify the federal, state, and local
24 programs that will be combined or coordinated with the proposed
25 program for the most effective use of public resources, and to
26 describe a plan for continuing the program beyond federal grant
27 funding.

28 ~~(9)~~

29 (6) A grantee shall submit annual attendance data and results
30 to facilitate evaluation and compliance with provisions
31 established by the department.

32 ~~(10)~~

33 (7) A program receiving a grant under this subdivision is not
34 assured of grant renewal from future state or federal funding at
35 the conclusion of the grant period.

36 (g) A total annual grant award for core funding and direct
37 grants for a site serving elementary or middle school pupils shall
38 be fifty thousand dollars (\$50,000) per year or more, consistent
39 with federal requirements.

1 (h) A grant for a program serving high school pupils at
2 schoolsites or sites of other organizations, as determined to be
3 eligible by the department and consistent with the provisions of
4 the 21st Century Community Learning Centers program, is
5 available as an annual minimum grant of fifty thousand dollars
6 (\$50,000) per year. Grant funding above the minimum shall be
7 determined in proportion to the average daily attendance of the
8 high school program site or sites to be served and other factors
9 including proposed attendance and effective use of resources as
10 determined by the department up to two hundred and fifty
11 thousand dollars (\$250,000) per year for five years. A grantee
12 that establishes a high school program pursuant to this
13 subdivision shall be subject to annual reporting and
14 recertification as required by the department. After the second
15 year, the department shall reduce funding of programs in which
16 actual attendance is significantly below proposed attendance
17 levels. An evaluation of the program funded pursuant to this
18 subdivision shall be submitted no later than 180 days after the
19 completion of the second year of the program. The department
20 shall provide the results of that evaluation and work with the
21 Legislature, the Department of Finance, program providers, and
22 other interested parties to adopt or restructure a high school after
23 school program for California that is both programmatically and
24 fiscally sound. Grantees shall be eligible for fourth and fifth year
25 funding consistent with the restructured requirements. A grantee
26 shall be required to identify the federal, state, and local programs
27 that will be combined or coordinated with the proposed program
28 for the most effective use of public resources and to describe a
29 plan for continuing the program beyond federal grant funding.
30 Grantees shall be required to submit annual attendance data
31 results to facilitate evaluation and compliance with provisions
32 established by the department. A program receiving a grant under
33 this subdivision is not assured of grant renewal from future state
34 or federal funding at the conclusion of the grant period.

35 (i) Funds received but unexpended under this article may be
36 carried forward to subsequent years consistent with federal
37 requirements. In year one, the full grant may be retained.

38 (j) This article shall be operative only to the extent that
39 federal funds are made available for the purposes of this article.
40 It is the intent of the Legislature that this article not be

1 considered a precedent for ~~general—fund~~ *General Fund*
2 augmentation of either the state administered, federally funded
3 program of this article, or any other state funded before or after
4 school program.

5 *SEC. 3. Section 8484.9 is added to the Education Code, to*
6 *read:*

7 *8484.9. (a) There is hereby established in the department an*
8 *Advisory Committee on Before and After School Programs for*
9 *the purpose of providing information and advice to the*
10 *Superintendent, the Secretary for Education, and the State Board*
11 *of Education regarding state and federal policy and funding*
12 *issues affecting before and after school programs, based on*
13 *regular and systematic input from providers.*

14 *(b) The membership of the advisory committee shall consist of*
15 *all of the following persons, all of whom shall be operators of*
16 *before or after school programs:*

17 *(1) Six persons appointed by the Governor as follows:*

18 *(A) Two persons who operate an urban before or after school*
19 *program.*

20 *(B) Two persons who operate a rural before or after school*
21 *program.*

22 *(C) One person from a private foundation or a postsecondary*
23 *academic institution.*

24 *(D) One person representing a unified school district.*

25 *(2) Two persons appointed by the Superintendent as follows:*

26 *(A) One person who operates a high school after school*
27 *program.*

28 *(B) One person from a private foundation or a postsecondary*
29 *academic institution.*

30 *(3) Two persons appointed by the Senate Committee on Rules*
31 *as follows:*

32 *(A) One person who operates a small elementary after school*
33 *program.*

34 *(B) One person who operates a large middle school after*
35 *school program.*

36 *(4) Two persons appointed by the Speaker of the Assembly as*
37 *follows:*

38 *(A) One person who operates a large elementary school after*
39 *school program.*

1 (B) One person who operates a small middle school after
2 school program.

3 (c) The advisory committee membership shall be
4 representative of the diversity of before and after school
5 programs, regarding geography, size, and public or nonpublic
6 operation.

7 (d) The advisory committee members shall select one of its
8 members to be the chair of the committee. It is the responsibility
9 of the chair to act as the conduit between the advisory committee
10 and the Superintendent, the state board, and appropriate staff.

11 (e) The advisory committee shall nominate, and the state
12 board shall confirm, a staff member to serve as consultant to the
13 advisory committee.

14 (f) The advisory committee shall meet as frequently as
15 necessary but at least three times each year. The meetings of the
16 committee may be conducted by teleconference.

17 (g) The members of the advisory committee shall serve without
18 compensation, including for travel and per diem expenses.

19 (h) The advisory committee shall do all of the following:

20 (1) Provide information on the status of funding provided for
21 before and after school programs in each fiscal year, including
22 the number of applications received, the number of applications
23 funded, and the amount and timing of committed funding.

24 (2) Provide recommendations on legislative and
25 administrative action needed to ensure that funding for before
26 and after school programs is allocated promptly to qualified
27 providers of before and after school programs.

28 (3) Provide information on the quality of services and
29 accountability measures.

30 (4) Provide information regarding challenges faced by before
31 and after school programs that impede the provision of best
32 possible services.